

PATENT
Serial No. 10/521,718
Amendment in Reply to Office Action of October 18, 2006

REMARKS

This Amendment is being filed in response to the Office Action dated October 18, 2006. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

By means of the present amendment, claims 1-4 and 7 have been amended for better clarification of the claims. The Applicants reserve the right to reintroduce subject matter canceled herein in this and/or a continuing application. The claims have been amended to correct certain informalities and better conform to U.S. practice. Further amendments include beginning the dependent claims with "The" instead of "A" and replacing "characterized in that" with "wherein". The claims were not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

PATENT
Serial No. 10/521,718
Amendment in Reply to Office Action of October 18, 2006

In the Office Action, it is noted that an Information Disclosure Statement (IDS) submitted on March 31, 2005, failed to provide required legible copies of each cited foreign patent document and accordingly, was placed in the application file but not considered. Attached in Appendices B and C of this response are legible copies of the foreign patent documents cited in the IDS, namely EP 1202162 A and EP 1091287 A. It is respectfully requested that these references be considered in accordance with the request implicit in the IDS submitted on March 31, 2005 and such consideration, including consideration of the U.S. Patent document, namely U.S. Patent No. 5,682,529, also identified on the IDS, be reflected by return of a signed IDS form including the date the references were considered.

It is noted that the Applicant is reminded in the Office Action of the proper form and language suitable for an Abstract of the Disclosure. While it is understood that changes in form of the specification that otherwise complies with a PCT filing may not be made in a later U.S. National Entry of the PCT filing, the Applicants have elected to amend the Abstract of the Disclosure to

PATENT
Serial No. 10/521,718
Amendment in Reply to Office Action of October 18, 2006

conform with common U.S practice. Please note and make of record the Abstract of the Disclosure contained in Appendix A.

In the Office Action, claims 1-7 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over a copending Application No. 10/521,706. The Examiner indicated that a terminal disclaimer may be used to overcome this rejection. This rejection is respectfully traversed in that there is at this time no way for Applicants' to discern the what the subject matter of this or the copending Application will be at the time of issuance. However, it is respectfully submitted that Applicants will consider filing a terminal disclaimer, if necessary in view of any allowable claims, upon indication that the present application is otherwise allowable or includes allowable claims.

In the Office Action, claims 1-7 are rejected under 35 U.S.C. §102 as being allegedly anticipated by U.S. Patent Publication 2003/0227438 (Campbell). It is respectfully submitted that claims 1-10 are patentable for at least the following reasons.

Campbell is directed to a method of copying images from a

PATENT
Serial No. 10/521,718
Amendment in Reply to Office Action of October 18, 2006

monitor 20 onto a display unit 56 that is connected to a data port 50 in the monitor's housing 44 as shown in FIG. 1. It is respectfully submitted that the data copied to the display unit is manually selected by the user from any of the content displayed on the monitor. In operation, the user manually selects an image on the screen 38 and copies the image to the display unit 56 which is then displayed on the display screen 60 of display unit 56 (see, paragraph [0022], lines 12-15). Another method of copying in Campbell includes the user electronically "cutting" the image to a clipboard and electronically "pasting" the image into the screen 60 of the display unit 56 (see, paragraph [0034], lines 1-4). Other methods of enabling a user to copy data to the screen 60 of the display unit 56 are provided including selection square (e.g., see paragraph [0035]) and a select label (e.g., see, paragraph [0036]).

Accordingly, Campbell teaches that any information present on the monitor screen 38 or present in a file may be copied to the display unit 56 based on the user manually determining the images that are to be copied to the display unit 56. Clearly in Campbell, the selection of the content has nothing to do with the location of

PATENT
Serial No. 10/521,718
Amendment in Reply to Office Action of October 18, 2006

the display unit 56 with respect to the monitor 20. In fact, Campbell does not identify a relative position of the display unit 56 and content displayed, but merely utilizes an orientation of the display unit 56 to determine how to display the user manually selected content in an upright manner (see, paragraph [0031], lines 14-21).

In stark contrast, the present system as recited in independent claim 1, and similarly recited in independent claim 7, amongst other patentable elements, requires (illustrative emphasis provided) :

determining, by the media device, a first information item representing content, wherein said first information item is selected based on said first location relative to content presented on the media device.

It is respectfully submitted that independent claims 1 and 7 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-6 and 8-10 should also be allowed at least based on their dependence from independent claims 1 and 7 as well as the separately patentable

PATENT
Serial No. 10/521,719
Amendment in Reply to Office Action of October 18, 2006

elements contained in each of the claims. Accordingly, separate consideration and allowance of claims 2-6 and 8-10 is respectfully requested.

For example, Campbell does not disclose or suggest "wherein the act of determining the first information item is performed automatically in response to the display unit being connected or attached" as recited claim 8, "wherein the means for receiving the first information item is arranged to automatically receive the first information item in response to the display unit being connected or attached" as recited in claim 9, nor "wherein the display unit is one of a hexagonal, triangular, circular and elliptical layout" as recited in claim 10. Accordingly, separate consideration and allowance of claims 2-6 and 8-10 is respectfully requested.

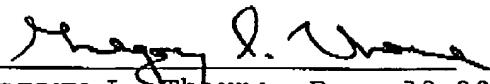
It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related

PATENT
Serial No. 10/521,718
Amendment in Reply to Office Action of October 18, 2006

to any fees paid in connection with the accompanying amendment to
Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the
present application is in condition for allowance, and a Notice of
Allowance is earnestly solicited.

Respectfully submitted,

By 
Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
January 18, 2007

Enclosures: Appendix A - New Abstract
Appendix B - EP 1202162 A
Appendix C - EP 1091287 A

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101